United Nations A/AC.109/2013/14

General Assembly

Distr.: General
18 March 2013

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

Contents

		Page
I.	General	3
II.	Constitutional and political issues	3
III.	Budget	4
IV.	Economic conditions	4
	A. General	4
	B. Fisheries, agriculture and livestock	5
	C. Tourism	5
	D. Transport, communications and utilities	5
	E. Environment and hydrocarbons	6
V.	Social conditions	7
	A. General	7

Note: The present working paper covers the period from mid-February 2012 to mid-February 2013. The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations on 21 December 2012, in addition to information provided by the Government of Argentina and that available in public sources. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

13-26261 (E) 270313

Please recycle

B. Public health 7

C. Social security and welfare 7

D. Education 8

VI. Mine clearance and related matters 8

VII. Participation in international organizations and arrangements 8

VIII. Consideration by intergovernmental organizations and forums 9

IX. Future status of the Territory 10

A. Position of administering Power 10

B. Position of the Government of Argentina 11

X. Consideration by the United Nations 12

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples 12

B. Special Political and Decolonization Committee (Fourth Committee) 13

C. Action taken by the General Assembly 15

I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as hundreds of smaller islands, and a total area of about 12,173 km^2. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. The population of the Falkland Islands (Malvinas) is more than 2,500 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), representing the largest population recorded since 1931. A dispute exists between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas).

II. Constitutional and political issues

2. The Constitution approved in 2008, which came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846), has been protested by Argentina (see A/63/542, annex I). Under the Constitution, members of the legislature elect a Speaker to preside over sittings of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make such laws is reserved for the British Crown.

3. All eight members of the Legislative Assembly were elected on 5 November 2009, five from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town), for a four-year term. The current Governor, Nigel Haywood, took up his appointment in October 2010. The next general elections for members of the Legislative Assembly are expected to be held in November 2013.

4. In 2012 and early 2013, Argentina and the United Kingdom continued to reiterate their respective positions regarding various constitutional, military and economic aspects of the sovereignty dispute over the Territory. That action included written démarches and the issuance of press releases by Argentina on 10 June 2012 in connection with the observance of the "Day of Affirmation of Argentine rights over the Malvinas Islands" and other areas, in addition to remarks and messages to the media, including a public letter from the President of Argentina addressed to the Prime Minister of the United Kingdom on 3 January 2013. It also included written

démarches by the United Kingdom before the United Nations and statements elsewhere, rejecting territorial and other claims made by Argentina and attaching great importance to the principle of self-determination (see A/67/703).

5. According to the administering Power, to make the wishes of the Islanders clear to the international community, a referendum will be held on 10 and 11 March 2013 on the following question: "Do you wish the Falkland Islands to retain their current political status as an overseas territory of the United Kingdom?". The Islanders would express their right to self-determination under Article 1 (2) of the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights and General Assembly resolution 2625 (XXV) (see A/67/483).

6. For its part, Argentina repeatedly rejected the exercise as illegal under the relevant United Nations resolutions on the question of the Falkland Islands (Malvinas) and as a serious distortion of the spirit of self-determination and a tautological exercise (see also section X.B. below). Its position was generally supported by regional organizations such as MERCOSUR and the Union of South American Nations (UNASUR), which stated that the referendum "in no way changes the essence of the question of the Malvinas Islands" and that "its possible outcome will not end the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas" (see A/67/728 and A/67/729).

7. Against this background, efforts in 2012 and January and February 2013 for the Minister for Foreign Affairs of Argentina, Héctor Timerman, and the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, William Hague, to hold a bilateral meeting in London were not successful. Additional information on the positions of the administering Power and the Government of Argentina can be found below.

III. Budget

8. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory makes every effort to maintain a balanced budget. In 2012/13, the operating budget amounted to approximately £54 million.

IV. Economic conditions

A. General

9. The gross domestic product (GDP) of the Islands was estimated by the administering Power at £130 million per annum. The per capita GDP is approximately £44,000. Increasing revenue from corporation tax indicates a growing private sector. The fishing industry remains the most important sector of the economy (accounting for about 60 per cent of GDP), with the tourism sector and other sectors, such as livestock production and processing, witnessing growth in recent years. According to the administering Power, the latest Islands Plan (2012-2017) outlines a vision for economic growth, financial stability and improved quality of life, including transport and telecommunications infrastructure. According to media reports, following the planning approval granted in December 2011 for the construction of 13 urban

dwellings, a new project involving the building of an additional 26 two-bedroom apartments in the form of an 80-metre-long terrace is expected to begin in 2013.

B. Fisheries, agriculture and livestock

10. The Loligo, or *doryteuthis*, and Illex species of squid are the mainstay of the fisheries and economy of the Territory. In recent years, Loligo catches have been relatively stable, whereas Illex catches have declined. Loligo squid are fished in several zones and on the high seas. In addition to those two squid species, a number of finfish are targeted. According to the administering Power, the Fisheries Department is responsible for administering the fisheries sector in the Territory.

11. The most significant change in agriculture in recent years has been the development of the meat industry and of farming adjusted to produce dual-purpose sheep that would maximize returns from both meat and wool. According to the administering Power, 1.7 million kg of wool were exported from the Islands in 2011 and 48,500 sheep and lambs were processed through the Sand Bay abattoir for export. The Territory has an ongoing five-year business plan in support of agriculture. Industry sources indicate that, in 2012, 47,200 sheep and lambs were processed and more than 540 tons of meat and offal produced, earning farmers in excess of £1 million.

12. In 2012, Argentina presented a proposal to the Government of the United Kingdom to resume the negotiations, interrupted in 2007, on the mandate of the South Atlantic Fisheries Commission. The United Kingdom responded in June 2012 that any discussion relating to fisheries issues must include representatives of the territorial Government.

C. Tourism

13. Tourism is a significant contributor to the Territory's economy, valued at approximately £7 million per annum. There has been a measurable expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with inbound tourism increasing by 9 per cent in 2011. The 2011/12 cruise season closed with a total of 35,159 passenger arrivals. Almost £1.8 million was spent in the Islands by cruise passengers, of which 58 per cent was spent on tours, 30 per cent on shopping and 12 per cent on food and drink.

D. Transport, communications and utilities

14. The Territory has approximately 1,000 km of roads. Work continues in upgrading roads connecting outlying settlements and farms. In addition to roads, communications are ensured by a coastal shipping service to settlements on the east, west and outlying islands, a regular ferry service between the two main islands and local air services.

15. In 2012, LAN Airlines continued to provide a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos, Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Moreover,

under the Exchange of Notes Flights and Navigation Agreement of February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile. In April 2012, Argentina made a proposal to review the situation on air links and establish a regular direct flight operated by its national flag carrier, Aerolíneas Argentinas. The Government of the United Kingdom responded in June 2012 that any discussion relating to air links must include representatives of the territorial Government.

16. In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, in 2012 and early 2013, at a number of meetings, including the thirty-sixth annual meeting of the ministers for foreign affairs of the Group of 77, the twenty-second Ibero-American Summit of Heads of State and Government, the 2012 Latin America and Caribbean Summit, the third South American and Arab Countries Summit and the seventh ministerial meeting of the States members of the zone of peace and cooperation of the South Atlantic, in addition to those of MERCOSUR and UNASUR, it was recalled that the General Assembly, by resolution 31/49, had called upon both parties to the dispute to refrain from introducing unilateral modifications in the situation. The members of MERCOSUR and UNASUR had previously decided to close their ports to "vessels flying the illegal flag of the Malvinas Islands". In 2012, implementation of those decisions continued.

17. For its part, the United Kingdom continued to consider that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea. In 2012, it protested against what it termed the repeated and unilateral infringement by Argentina of the right of innocent passage and freedom of navigation under the Convention by taking action against the Islands' maritime transport arrangements (counter to General Assembly resolution 31/49).

18. Concerning telecommunications, the introduction of Island-wide rural broadband access improved the situation within and outside the Territory. In 2012, a new price control mechanism was introduced to regulate the prices of retail services provided by Cable and Wireless South Atlantic under its exclusive licence to the general public and businesses. Approximately 75 per cent of households are connected to broadband Internet.

19. According to the administering Power, the Territory's major wind farm meets approximately 26 per cent of urban electricity needs. The capacity of the wind farm has recently been doubled, with the expectation that, as a result, wind power will meet approximately 40 per cent of the Territory's urban electricity needs. Wind turbines are used in homesteads and small settlements.

E. Environment and hydrocarbons

20. According to the administering Power, the Territory works to uphold a number of environmental treaties and conventions. For its part, Argentina has rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory and its surrounding maritime areas are an integral part of Argentina.

21. In 2012, environmental projects included the conservation of penguins and seabirds, the eradication of rats from sensitive wildlife sites and a review of the network of protected areas, against whose extension to the Territory Argentina had formally protested.

22. Offshore exploration for hydrocarbons continued in 2012 amid protest from Argentina, other Member States and regional organizations. According to information received, in March 2012, Argentina announced the implementation of a legal action plan against unlawful hydrocarbon exploration and exploitation activities on the Argentine continental shelf. As part of the plan, warning and risk-assumption letters were sent to companies directly or indirectly involved in those activities. Correspondence was reportedly also sent to the New York and London stock exchanges providing information on the companies involved. Furthermore, in 2012, the Energy Secretariat of Argentina declared five oil companies to be in violation of Argentine law, opening the way for civil and criminal proceedings. For its part, the administering Power strongly supports the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right of self-determination, which is expressly contained in the International Covenant on Civil and Political Rights, and maintains that all hydrocarbon activities on the continental shelf of the Islands are regulated by legislation in strict accordance with the United Nations Convention on the Law of the Sea.

V. Social conditions

A. General

23. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, have been extended to the Falkland Islands (Malvinas) by the administering Power.

24. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of the various international instruments mentioned above, in addition to the designation of the Territory as an overseas territory of the United Kingdom or any other similar designation.

B. Public health

25. According to the administering Power, the general state of public health in the Territory is good. Medical and dental treatment is free to all residents under a health agreement.

C. Social security and welfare

26. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and

employees between the ages of 17 and 64. A system of social welfare grants and pensions is in place to address cases of hardship and disability.

D. Education

27. Education in the Territory is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. In 2012, approximately 420 schoolchildren were registered.

28. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2012 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/67/74, section II.B).

VI. Mine clearance and related matters

29. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known also as the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

30. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention granted the United Kingdom an extension until 1 March 2019. The United Kingdom proceeded with the clearance of four mined areas in the Territory. According to the administering Power, the four-site clearance programme was completed in June 2010. A three-month follow-up phase of land release was conducted in 2012. Further clearance activity is expected to continue in 2013.

31. As previously reported, in December 2009, the Second Review Conference of the Ottawa Convention granted the request of Argentina for an extension until 1 January 2020. At the Twelfth Meeting of States Parties to the Ottawa Convention, held in Geneva from 3 to 7 December 2012, Argentina stated that mine-clearing planning would be developed in detail and implemented as soon as it exercised control over the areas in question, subject to a sovereignty dispute, or when both Argentina and the United Kingdom reached agreement over making progress in such planning.

VII. Participation in international organizations and arrangements

32. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) attends various Commonwealth forums and is a member of the United Kingdom Overseas Territories Association and the South Atlantic Territories Cooperation Forum. Representatives of the Government also participate as members of the United Kingdom delegation in meetings on matters affecting their interests.

VIII. Consideration by intergovernmental organizations and forums

33. During meetings held in 2012 and early 2013, intergovernmental entities, including regional and subregional organizations, such as the Caribbean Community (Paramaribo, 8 and 9 March 2012), UNASUR (Asunción, 17 March 2012; Bogotá, 11 June 2012; and Lima, 30 November 2012), the Group of 77 and China (Doha, 21 April 2012, and New York, 28 September 2012), the General Assembly of the Organization of American States (Cochabamba, Plurinational State of Bolivia, 3-5 June 2012), MERCOSUR (Mendoza, Argentina, 28 and 29 June 2012, and Brasilia, 6 December 2012), the third South American and Arab Countries Summit (Lima, 1 and 2 October 2012), the twenty-second Ibero-American Summit of Heads of State and Government (Cádiz, Spain, 16 and 17 November 2012), the seventh ministerial meeting of the States members of the zone of peace and cooperation of the South Atlantic (Montevideo, 15 and 16 January 2013) and the first Summit of the Community of Latin American and Caribbean States (CELAC) (Santiago, 27 and 28 January 2013) addressed the question of the Falkland Islands (Malvinas) and, among other things, reaffirmed the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the dispute. Most of those organizations rejected the aforementioned hydrocarbon-related and military-related activities of the United Kingdom. For its part, the Government of the United Kingdom continues to reject any suggestion that hydrocarbon exploration amounts to unilateral action on its part and is being carried out in contravention of General Assembly resolution 31/49. It strongly supports the Islanders in developing their own economy and future, including their decision to exploit their natural resources.

34. Furthermore, some of the above-mentioned forums, including the Ibero-American Summit, CELAC and UNASUR, requested the Secretary-General to renew his good offices on the question and keep them informed. For its part, in January 2013, CELAC also reaffirmed the effectiveness of the historical heritage of CELAC, comprising the declarations, special communiqués and other decision-making instruments adopted during the processes of the Rio Group and the Summit of Latin America and the Caribbean on Integration and Development. Upon the 180th anniversary of what it termed "the occupation by the United Kingdom of Great Britain and Northern Ireland of the Malvinas Islands", it recalled that regional support for the Argentine claim "towards such occupation of these territories" was included in that heritage.

35. As previously reported, in 2011-2012, CELAC and UNASUR sent letters on the dispute to the Secretary-General. In April 2012, in a meeting with the Secretary-General of UNASUR, the Secretary-General acknowledged the strong regional support for the issue, reiterating that his good offices to resolve the dispute remained available if both parties agreed to engage. He reiterated that offer in June 2012 in response to the correspondence received from both regional entities.

36. According to the administering Power, the United Kingdom is not a member of the aforementioned organizations and has not been represented at any of the aforementioned meetings, with the exception of that of the Organization of American States, with which the United Kingdom has observer status. Exercising its right of reply, the United Kingdom responded to a letter from Argentina addressed to the Secretary-General that transmitted in an annex the "special communiqué on the question of the Malvinas Islands" adopted at the above-mentioned Ibero-American

Summit (A/67/726), reiterating its position on allegations of militarizing the South Atlantic and alleged breaches of resolution 31/49 (see A/67/754).

IX. Future status of the Territory

A. Position of administering Power

37. According to information provided by the administering Power, in a speech given at the Honourable Society of Lincoln's Inn, London, on 14 June 2012, the Prime Minister of the United Kingdom, David Cameron, reiterated the commitment of the United Kingdom to the Islanders. He noted, among other things, that, when it came to the sovereignty of the Territory, there would be absolutely no negotiation. In his view, the issue was about the Islanders determining their own future. He stated that the United Kingdom had no aggressive intentions towards Argentina, and accusations of militarization and nuclear threats were considered hyperbole and propaganda.

38. Furthermore, in a message to the Islanders on the thirtieth anniversary of the end of the conflict, in June 2012, the then Minister of State for the Foreign and Commonwealth Office, Jeremy Browne, who was visiting the Territory, said:

> In Britain the right to self-determination is considered sacrosanct. It is a principle that people instinctively understand and support. But being here this week has vividly and practically demonstrated why this right is so revered ... As long as you wish to maintain your links to Britain we will protect your right to do so ... The status of your home should be determined by no one other than you. That is the principle of self-determination, admired and desired by freedom-loving people all around the world.

39. In addition, in a message to the Islanders broadcast on 21 December 2012, the Prime Minister reiterated that the Government of the United Kingdom would not stand by and allow the human rights of the Islanders to be ignored. He stated that there was no justification for any country to try to deny the Islanders the right to democracy and self-determination, nor to make attempts to isolate the island community, block its trade and undermine its legitimate fisheries, hydrocarbons and tourism industries. Furthermore, he said that he valued the relationship of the United Kingdom with the Territory and hoped that it would long continue. He reiterated that the final outcome of the referendum was neither his decision nor that of Argentina, but that of the Islanders alone. He reaffirmed that the referendum was true democracy in action and an opportunity to show the international community what the Islanders wanted from their future and to show it definitively.

40. In exercise of the right of reply to the remarks made by the President of Argentina in the General Assembly on 26 September 2012, the United Kingdom, among other things, stated that it attached great importance to the principle of self-determination as set out in Article 1 (2) of the Charter and article 1 of the International Covenant on Civil and Political Rights. In the view of the administering Power, there could be no negotiations on the sovereignty of the Islands unless and until such time as the Islanders so wished (see A/67/483). In exercise of the right of reply to a letter addressed by the President of Argentina to the Prime Minister of the United Kingdom, which was published in a number of newspapers in the United

Kingdom on 3 January 2013, the Permanent Representative of the United Kingdom to the United Nations wrote to the Secretary-General on 17 January 2013 (see A/67/703). He reiterated that the United Kingdom had no doubt about its sovereignty over the Islands; the historical and legal facts were clear. He stated that the claim by Argentina to the Islands, which it based on the principle of disruption to its territorial integrity, was without foundation, as the Islands had never legitimately been administered by, or formed part of, the sovereign territory of Argentina.

41. Further responses in exercise of the right of reply included a communication dated 18 October 2012 regarding missile exercises in the Territory. The United Kingdom, among other things, reiterated that exercises involving the firing of short-range air defence missiles that took place in October 2012 were not new. Those exercises were routine, initiated since the conflict in 1982, and did not represent any change or increase in the defence posture of the United Kingdom in the South Atlantic. Furthermore, the United Kingdom denied that any reinforcement of military assets in the region had taken place (see A/67/544).

B. Position of the Government of Argentina

42. As reflected in the official records of the sixty-seventh session of the General Assembly (A/67/PV.7), the President of Argentina, Cristina Fernández de Kirchner, in her address to the General Assembly on 25 September 2012, among other things, stated that in June 2012 she had appeared before the Committee on Decolonization in New York to present the request of Argentina for compliance with resolution 2065 (XX), which urged the United Kingdom and Argentina to undertake a dialogue on the dispute. She said that January 2013 would mark 180 years since the United Kingdom had "illegally usurped our Malvinas Islands". Supported by many resolutions of various organizations such as the Organization of American States and other multilateral organizations such as the Rio Group, Argentina was simply asking the United Kingdom to sit down to comply with the relevant United Nations resolutions and to undertake a dialogue on the sovereignty dispute, as well as to demilitarize the South Atlantic so that it would become a region of peace in South America, without regard to ethnic, religious or any other differences that could lead to clashes between the two countries, she said. Reiterating the appeal, she pointed out that she perceived a clear double standard: the permanent members of the Security Council had the right to violate any and every requirement of the United Nations, while everyone else had to accept without demur any and every Council resolution. She said that doing away with the last vestiges of colonialism had become one of the great contributions of the United Nations when it created the Decolonization Committee in 1961.

43. In a letter to the Prime Minister of the United Kingdom on 3 January 2013, on the occasion of the 180th anniversary of what she termed a "blatant exercise of nineteenth-century colonialism" when "Argentina was forcibly dispossessed of the Malvinas Islands", the President of Argentina recalled that Argentines on the Islands had been expelled by the Royal Navy and that the United Kingdom had subsequently begun a process of importing settlers. Since then, the United Kingdom had refused to return the Islands to Argentina and restore its territorial integrity. She further stated that the question was a cause supported by Latin America and the vast majority of the world's peoples and Governments that rejected colonialism, recalling resolution 2065 (XX), adopted by the General Assembly in 1965 "with no

votes against (not even by the United Kingdom)", which considered the question "a case of colonialism" and invited the two countries concerned to negotiate a solution to the sovereignty dispute. That resolution was followed by many others in the same vein. Lastly, she reiterated the request to give effect to the relevant resolutions of the United Nations and resume dialogue (see A/67/688).

44. In letters addressed to the Secretary-General in August and October 2012, Argentina condemned the unilateral military activities of the United Kingdom in the South Atlantic, which it said could be understood only as a "further hostile act and a provocation directed by a military power against a peaceful region". Among other things, Argentina stated that the situation in the South Atlantic had deteriorated as a result of constant British unilateral actions and recalled the presentation submitted to the Secretary-General in February 2012 alerting the international community about the "United Kingdom's increasing militarization of the South Atlantic". Furthermore, Argentina regretted and strongly denounced the "hostile attitude" of the United Kingdom, which constituted "a persistent provocation" contributing to the consolidation and growth of its military presence in the South Atlantic, which had been the subject of unanimous repudiation by MERCOSUR, UNASUR and the third South American and Arab Countries Summit (see A/66/884 and A/67/513).

45. Additional information on the position of the Government of Argentina can be found in section X.A below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

46. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 4th and 5th meetings, on 14 and 15 June 2012, as reflected in documents A/AC.109/2012/SR.4 and 5. At its 4th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru and Uruguay to participate in the Committee's consideration of the item.

47. At the 4th meeting, during the hearing of petitioners and in line with usual practice, the Special Committee heard statements by Roger Edwards and Mike Summers from the Legislative Assembly of the Falkland Islands (Malvinas). Furthermore, Alejandro Betts and Marcelo Luis Vernet made statements to the Special Committee (see A/AC.109/2012/SR.4).

48. At the same meeting, the representative of Chile, on behalf of Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution A/AC.109/2012/L.6, which the Special Committee adopted without a vote. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the negotiated settlement of the dispute, in accordance with the relevant General Assembly resolutions.

49. The President of Argentina made a statement at the 4th meeting of the Special Committee, on 14 June 2012. She stated, among other things, that she had not come

before the Special Committee because of the events that had taken place 30 years earlier, but because of the events of 180 years earlier.

50. She said that General Assembly resolution 2065 (XX) of 1965 had been the first of 11 resolutions on the dispute adopted by the Assembly, while 29 had been adopted by the Special Committee and countless statements had been issued by UNASUR, MERCOSUR, CELAC and the Central American Integration System, as well as by the African States and the Arab States. They had all been to no avail, given that, in her view, the United Kingdom had taken advantage of its privileged position as a permanent member of the Security Council. The lack of respect for United Nations resolutions shown by the United Kingdom went against international efforts to achieve a world that was more just, secure, equitable and egalitarian, she continued.

51. She said that negotiations between Argentina and the United Kingdom had taken place in 1974, in the utmost secrecy. Argentina had sufficient historical, geographical and political arguments to make its case, even without mentioning the agricultural and oil resources that were, she said, being plundered in a zone of peace.

52. She said that the countries of the region supported Argentina, not only out of solidarity, but also in self-defence: the South Atlantic was a demilitarized zone. Argentina, a leader in human rights, was also a leader in nuclear non-proliferation, despite being the country most advanced in nuclear science in the region. Furthermore, the defence of South America's natural resources was a regional rather than a national issue.

53. She reiterated that Argentina was open to resuming negotiations and, although the 1974 talks had been interrupted, they had demonstrated that the United Kingdom recognized the existence of a sovereignty dispute. For its part, Argentina would continue to comply strictly with United Nations resolutions. Negotiations between the two countries would unlock many issues and result in partnerships that could be beneficial for all of South America and the international community. She would not ask anyone to say that Argentina was right or that the Malvinas were Argentine, but was merely requesting dialogue, she concluded.

54. At the 4th and 5th meetings of the Special Committee, the representatives of Bolivia (Plurinational State of), Brazil, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Guatemala, Indonesia, Nicaragua, Paraguay (in his capacity as President pro tempore of UNASUR), Papua New Guinea, Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, Uruguay and Venezuela (Bolivarian Republic of) also made statements on the question of the Falkland Islands (Malvinas).

B. Special Political and Decolonization Committee (Fourth Committee)

55. On 8, 11, 12 and 15 October 2012, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-seventh session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of) addressed the question of the Falkland Islands (Malvinas), as reflected in A/C.4/67/SR.2 and 5-7.

56. On 8 October, the representative of Brazil, speaking on behalf of the States members of MERCOSUR and the associated States Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru, among other things, expressed support for the legitimate rights of Argentina in the sovereignty dispute. Unilateral measures were not compatible with the relevant United Nations resolutions, and it was in the interests of the region to reach a solution to the sovereignty dispute between Argentina and the United Kingdom. In particular, the military presence of the United Kingdom in the region and its unilateral exploration and extraction activities there were not conducive to a peaceful solution. MERCOSUR and the associated States had undertaken to adopt measures aimed at preventing vessels flying the "illegal flag of the Malvinas Islands" from entering their ports, and to exchange information on vessels bound for the Islands with cargo intended for illegal drilling operations on the Argentine continental shelf.

57. He continued that, in 1833, the United Kingdom had expelled the Argentine population of the Islands and had prevented them from returning ever since, replacing them with its own nationals. The current inhabitants were thus not a people subjected to alien subjugation, domination and exploitation as defined in General Assembly resolution 1514 (XV). The Islands were a colonial territory, but without a colonial population, and their situation had been deemed by the United Nations to be a special and particular case. An early resumption of negotiations between the two parties, in accordance with the repeatedly expressed wish of the international community, and encouraged by the good offices mission of the Secretary-General, would be desirable.

58. The representative of Chile, speaking on behalf of CELAC, reiterated its support for the legitimate rights of Argentina in the sovereignty dispute with the United Kingdom. A peaceful and definitive solution that safeguarded the principle of territorial integrity, in accordance with United Nations resolutions and those of the Organization of American States, among others, was essential. Meanwhile, the United Kingdom should refrain from hydrocarbon exploration and drilling operations and military activities on the continental shelf of Argentina, in accordance with General Assembly resolution 31/49. The good offices mission of the Secretary-General would continue to be useful in promoting a peaceful solution to the dispute.

59. The representative of Peru, speaking on behalf of UNASUR, said that it supported the legitimate sovereign rights of Argentina. UNASUR recognized that it was a special and particular decolonization case and, as a sovereignty dispute, urged the Governments of Argentina and the United Kingdom to resume bilateral negotiations. The States members of UNASUR had agreed to monitor ships operating in the region, to close their ports to ships flying the "illegal flag of the Malvinas Islands" and to inform the Government of Argentina about vessels serving illegal drilling operations on the Argentine continental shelf. Furthermore, they had sought to avert the military exercises eventually carried out in the area by the Government of the United Kingdom. In their view, such actions altered the situation unilaterally.

60. At the same meeting, the Deputy Permanent Representative of Argentina stated, among other things, that his Government fully supported the work of the Special Committee as the central body directing the process of decolonization pursuant to the two guiding principles established by the General Assembly in resolution 1514 (XV), namely the right of self-determination and territorial integrity. It was incumbent upon administering Powers to cooperate with the Special

Committee. In the twenty-first century, no people could be subjected to alien subjugation, domination and exploitation, for they were crimes against human rights, the principles of the Charter and world peace.

61. He said that the principle of self-determination could not, however, be distorted to justify an illegal occupation that had continued since 1833 in violation of the territorial integrity of Argentina. In his view, the sovereignty dispute had been recognized by the General Assembly in successive resolutions as a special and particular colonial situation that should be solved through negotiations between the only two parties to the dispute, taking the interest of the inhabitants into account. Accordingly, a referendum would, he said, be illegal, spurious and tautological.

62. He said that, at the same time, the United Kingdom was illegally exploring and exploiting the renewable and non-renewable resources of the disputed archipelagos and surrounding maritime areas, contrary to the provisions of General Assembly resolution 31/49, which called upon both parties to refrain from introducing unilateral modifications to the situation during the settlement process. In addition, disregarding maritime norms and the regional policy of peaceful settlement of disputes, the United Kingdom was conducting ongoing military and missile-launching exercises there. Its actions had drawn protests not only from Argentina but also from the major regional organizations.

63. Argentina had consistently demonstrated its willingness to negotiate a peaceful solution to the sovereignty dispute, he concluded, but the United Kingdom, in effect taking advantage of its privileged position as a permanent member of the Security Council while ignoring the special responsibilities that such a position entailed, had refused to assume its international obligations.

64. Speaking in exercise of the right of reply, the representatives of Argentina and of the United Kingdom reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see A/C.4/67/SR.2 and 5-7).

C. Action taken by the General Assembly

65. By resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.